



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 03/19/2004 (Per: MGD)



☞ The 2003 drafting file for LRB 03-3218/2

has been copied/added to the 2003 drafting file for

# LRB 03-4247

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2003 DRAFTING REQUEST****Bill**

Received: 09/05/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Jolene

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Criminal Law - drugs**  
**Munis - miscellaneous**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Gundrum@legis.state.wi.us**Carbon copy (CC:) to: **michael.dsida@legis.state.wi.us****Pre Topic:**

No specific pre topic given

**Topic:**

Ordinances regarding drug paraphernalia

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 11/10/2003	kgilfoy 11/18/2003		_____			
/1			pgreensl 11/19/2003	_____	lemery 11/19/2003		
/2	mdsida	kgilfoy	pgreensl	_____	lemery		

02/11/2004 04:18:32 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/11/2004	02/11/2004	02/11/2004	_____	02/11/2004		

FE Sent For:

<END>

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**Bill**

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By/Representing: Jolene

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May Contact:

Addl. Drafters:

Subject: Criminal Law - drugs  
Munis - miscellaneous

Extra Copies: 4

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Ordinances regarding drug paraphernalia

**Instructions:**

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/?	mdsida 11/10/2003	kgilfoy 11/18/2003					
/1		1/2 - 2/11 Kmg	pgreensl 11/19/2003	2/11	lemery 11/19/2003		

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11/19/2003 03:42:56 PM

Page 2

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 09/05/2003

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Wanted: As time permits

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Submit via email: YES

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Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Ordinances regarding drug paraphernalia

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	mdsida	1-11/18 Kmg	11/18 P8	4/18 P8116			
FE Sent For:							
<END>							

**Dsida, Michael**

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**From:** Churchill, Jolene  
**Sent:** Wednesday, September 03, 2003 2:26 PM  
**To:** Dsida, Michael; 'blunt@nbpolice.org'  
**Subject:** Representative Mark Gundrum Drafting Request RE: Drug Paraphernalia Violations

Dear Mike,

Please review the email message below from New Berlin's Chief of Police regarding a drafting request for a bill relating to the handling of drug paraphernalia violations at the local level. If you have any specific questions, please feel free to contact us or Chief Blunt directly.

Thanks!

Jolene R. Churchill, Assistant  
Representative Mark D. Gundrum  
84th Assembly District  
1-888-534-0084

-----Original Message-----

**From:** Blunt, Gary [mailto:blunt@nbpolice.org]  
**Sent:** Tuesday, August 26, 2003 4:13 PM  
**To:** Gundrum (E-mail)  
**Subject:** Drug Paraphernalia Violations

Dear Mark,

Currently if our officers arrest an adult (17 or older) who is in possession of a small amount of marijuana (1st offense) my officers have the option of referring the subject to the DA's office for criminal charges or issuing a city ordinance violation. If my officers arrest that same person for possession of drug paraphernalia my officers have to refer him or her to the DA's office for criminal prosecution. It seems crazy to me that if we catch an adult with a small amount of marijuana we can issue them a citation/summons but if we catch them with the pipe they use to smoke the marijuana we have to send the case out to the DA's office for a criminal prosecution. We do not have this problem with juvenile offenders. But, for some reason adult offenders are treated differently. When I contacted our City Attorney Mark Blum he advised that the state would have to pass legislation to allow municipalities to pass an ordinance in regards to adult violations of the drug paraphernalia law, so that we would have the authority to create an ordinance. This would not only make sense and give us the same prosecution options for juveniles and adults, but would save the DA's office a lot of wasted time and effort prosecuting adult drug paraphernalia cases. This is not an efficient way to do business and it costs taxpayers a lot of money to do business this way. The DA's office is already stretched to their limit with serious cases and with the current economic environment it will get worse. Can you look into this and if you agree with me could you sponsor a bill to authorize this change.

Sincerely,  
Gary Blunt  
Chief of Police  
New Berlin Police Department  
(262)780-8101



State of Wisconsin  
2003 - 2004 LEGISLATURE

3218/1  
LRB-3218/1  
MGD:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT to amend 349.02 (2) (b) 4., 818.02 (8) and 961.577; and to create 59.54  
2 (25m) and 778.25 (1) (a) 1m. of the statutes; relating to ordinances in certain  
3 counties regarding drug paraphernalia.

Analysis by the Legislative Reference Bureau

Current law prohibits the possession, manufacture, and delivery of drug paraphernalia. If a person 17 years of age or older violates the prohibitions relating to drug paraphernalia, he or she is subject to criminal penalties (a fine or imprisonment or both). If a person under the age of 17 violates the prohibitions relating to drug paraphernalia, he or she is subject to suspension or revocation of his or her privilege to operate a motor vehicle for not less than six months nor more than five years and either or both of the following: a forfeiture (civil monetary penalty) of up to \$500 (with the amount depending on whether the person has previously committed drug paraphernalia offenses) and a requirement that he or she participate in community service work. In addition, current law prohibits and provides more severe criminal penalties for the possession or use of drug paraphernalia used to produce or store methamphetamine.

Current law also allows a city, village, or town to enact and enforce ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia. The ordinances must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally (as opposed to the state statutes governing the possession or use of methamphetamine-related drug paraphernalia). In addition, the ordinances can apply only to the possession, manufacture, and delivery of drug paraphernalia by a person under the age of 17.



city, village, or town

(other than methamphetamine  
related drug paraphernalia)

hyphen

This bill allows a ~~county~~ with a population of 500,000 or more (currently only Milwaukee County) to enact and enforce an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia by persons 17 years of age and older. The ordinance must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally. A prosecutor could then charge a person aged 17 years or older for violating either the ordinance or the state statutes. A person prosecuted for violating an ordinance enacted under this bill would be subject to a forfeiture in an amount established by the ordinance instead of being subject to the criminal penalties provided under the state statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 59.54 (25m) of the statutes is created to read:

2 59.54 (25m) DRUG PARAPHERNALIA. The board of a county with a population of  
3 500,000 or more may enact an ordinance to prohibit conduct that is the same as that  
4 prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide  
5 a forfeiture for violation of the ordinance. The board may enforce an ordinance  
6 enacted under this subsection in any municipality within the county.

7 SECTION 2. 349.02 (2) (b) 4. of the statutes is amended to read:

8 349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25) or (25m), 60.23  
9 (21), or 66.0107 (1) (bm).

10 SECTION 3. 778.25 (1) (a) 1m. of the statutes is created to read:

11 778.25 (1) (a) 1m. Under a local ordinance enacted under s. 59.54 (25m) brought  
12 against an adult in circuit court or against a minor in the court assigned to exercise  
13 jurisdiction under chs. 48 and 938.

14 SECTION 4. 818.02 (8) of the statutes is created to read:

15 818.02 (8) In an action for a forfeiture under a local ordinance enacted under  
16 s. 59.54 (25m).

17 SECTION 5. 961.577 of the statutes is amended to read:

INS  
2/5

6

(1) or



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3218/2

MGD:K....

King ①

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Due  
11/20

Mon. Cat.

INS A ✓

1

AN ACT... relating to: ???

✓

INS B

*Analysis by the Legislative Reference Bureau*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

**SECTION 1.** 60.23 (21) of the statutes is amended to read:

3

60.23 (21) DRUG PARAPHERNALIA. Adopt an ordinance to prohibit conduct that

4

is the same as that prohibited by s. 961.573(2), 961.574(2) or 961.575(2).

History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201, 289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, 9, 672; 2001 a. 16.

5

**SECTION 2.** 349.02 (2) (b) 2. of the statutes is amended to read:

6

349.02 (2) (b) 2. Chapter 961 and local ordinances that strictly conform to s.

7

961.573(2), 961.574(2) or 961.575(2).

History: 1971 c. 277; 1987 a. 34, 399; 1991 a. 39, 269; 1993 a. 246; 1995 a. 113, 201, 448; 1999 a. 90; 1999 a. 150 s. 672.

8

**SECTION 3.** 778.25 (1) (a) 1. of the statutes is amended to read:

9

778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573

10

(2), 961.574(2) or 961.575(2) or under a local ordinance strictly conforming to one

(1) or

1 of those statutes brought against an adult in circuit court or against a minor in the  
2 court assigned to exercise jurisdiction under chs. 48 and 938.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9; 2001 a. 75.

3 **SECTION 4. 818.02 (7) of the statutes is amended to read:**

4 818.02 (7) In an action for a forfeiture under s. 961.573(2), 961.574(2) or  
5 961.575(2), or a local ordinance strictly conforming to one of those statutes.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 809.02; Sup. Ct. Order, 83 Wis. 2d xliiv ((1978); Stats. 1977 s. 818.02; 1979 c. 352; 1983 a. 447; 1985 a. 29; 1989 a. 121; 1993 a. 481, 486; 1995 a. 448; 2001 a. 10, 61.

6

(END)

INS 2/5

(1) or



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-321871-2  
MGD:kug:pg

2003 BILL

by 5 pm  
Wed

PROOF: all amended  
stats. w/FOLIO

Men. Cost

- 1 AN ACT to amend 60.23 (21), 349.02 (2) (b) 2., 778.25 (1) (a) 1., 818.02 (7) and  
2 961.577 of the statutes; relating to: municipal ordinances regarding drug  
3 paraphernalia.

*Analysis by the Legislative Reference Bureau*

Current law prohibits the possession, manufacture, and delivery of drug paraphernalia. If a person 17 years of age or older violates the prohibitions relating to drug paraphernalia, he or she is subject to criminal penalties (a fine or imprisonment or both). If a person under the age of 17 violates the prohibitions relating to drug paraphernalia, he or she is generally subject to suspension or revocation of his or her privilege to operate a motor vehicle for not less than six months nor more than five years and either or both of the following: a forfeiture (civil monetary penalty) of up to \$500 (with the amount depending on drug paraphernalia offenses the person committed in the preceding 12 months) and a requirement that he or she participate in community service work. Current law prohibits and provides more severe criminal penalties for the possession or use of drug paraphernalia used to produce or store methamphetamine.

Current law also allows a city, village, or town to enact and enforce ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia. The ordinances must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally (as opposed to the state statutes governing the possession or use of methamphetamine-related drug paraphernalia). In addition, the ordinances can

**BILL**

apply only to the possession, manufacture, and delivery of drug paraphernalia by a person under the age of 17.

This bill allows a city, village, or town to enact and enforce an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia (other than methamphetamine-related drug paraphernalia) by persons 17 years of age and older. The ordinance must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally. A prosecutor could then charge a person aged 17 years or older for violating either the ordinance or the state statutes. A person prosecuted for violating an ordinance enacted under this bill would be subject to a forfeiture in an amount established by the ordinance instead of being subject to the criminal penalties provided under the state statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 ~~SECTION 1. 60.23 (21) of the statutes is amended to read:~~

2 ~~60.23 (21) DRUG PARAPHERNALIA. Adopt an ordinance to prohibit conduct that~~  
3 ~~is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2) or 961.575~~  
4 ~~(1) or (2).~~

5 ~~SECTION 2. 349.02 (2) (b) 2. of the statutes is amended to read:~~

6 ~~349.02 (2) (b) 2. Chapter 961 and local ordinances that strictly conform to s.~~  
7 ~~961.573 (1) or (2), 961.574 (1) or (2) or 961.575 (1) or (2).~~

8 ~~SECTION 3. 778.25 (1) (a) 1. of the statutes is amended to read:~~

9 ~~778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573~~  
10 ~~(1) or (2), 961.574 (1) or (2) or 961.575 (1) or (2) or under a local ordinance strictly~~  
11 ~~conforming to one of those statutes brought against an adult in circuit court or~~  
12 ~~against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.~~

13 ~~SECTION 4. 818.02 (7) of the statutes is amended to read:~~

# BILL

818.02 (7) In an action for a forfeiture under s. 961.573 (1) or (2), 961.574 (1) or (2) or 961.575 (1) or (2), or a local ordinance strictly conforming to one of those statutes.

**SECTION 5.** 961.577 of the statutes is amended to read:

**961.577 Municipal ordinances.** Nothing in this subchapter precludes a city, village, or town from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2) or 961.575 (1) or (2).

**(END)**

**ASSEMBLY BILL 62**

statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally (as opposed to the state statutes governing the possession or use of methamphetamine-related drug paraphernalia). In addition, the ordinances can apply only to the possession, manufacture, and delivery of drug paraphernalia by a person under the age of 17.

This bill allows a city, village, or town to enact and enforce ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia by persons 17 years of age and older. The ordinances must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally. Under the bill, a prosecutor could charge a person aged 17 years or older for violating either an ordinance enacted under this bill or the state statutes. A person prosecuted for violating an ordinance enacted under this bill would be subject to a forfeiture in an amount established by the ordinance instead of being subject to the criminal penalties provided under the state statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 59.54 (25m) of the statutes is created to read:

2        **59.54 (25m) DRUG PARAPHERNALIA.** The board may enact and enforce an  
3 ordinance to prohibit conduct that is the same as that prohibited by s. 961.573 (1) or  
4 (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide a forfeiture for violation of the  
5 ordinance. Any ordinance enacted under this subsection does not apply in any  
6 municipality that has enacted an ordinance prohibiting conduct that is the same as  
7 that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

8        **SECTION 2.** 60.23 (21) (title) of the statutes is repealed.

9        **SECTION 3.** 60.23 (21) of the statutes is renumbered 66.0107 (1) (bp) and  
10 amended to read:

11        **66.0107 (1) (bp)** ~~Adopt~~ Enact and enforce an ordinance to prohibit conduct that  
12 is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575  
13 (1) or (2) and provide a forfeiture for violation of the ordinance.

14        **SECTION 4.** 66.0107 (1) (a) of the statutes is amended to read:

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**ASSEMBLY BILL 62**

1 66.0107 (1) (a) Prohibit all forms of gambling and fraudulent devices and  
2 practices;

3 **SECTION 5.** 66.0107 (1) (b) of the statutes is amended to read:

4 66.0107 (1) (b) Seize anything devised solely for gambling or found in actual  
5 use for gambling and destroy the device after a judicial determination that it was  
6 used solely for gambling or found in actual use for gambling; and.

7 **SECTION 6.** 349.02 (2) (b) 2. of the statutes is amended to read:

8 349.02 (2) (b) 2. Chapter 961 and local ordinances that strictly conform to s.  
9 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

10 **SECTION 7.** 349.02 (2) (b) 4. of the statutes is amended to read:

11 349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25), ~~60.23 (21)~~ or  
12 66.0107 (1) (bm).

13 **SECTION 8.** 778.25 (1) (a) 1. of the statutes is amended to read:

14 778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), or 125.09 (2),  
15 ~~961.573 (2), 961.574 (2) or 961.575 (2)~~ or under a local ordinance strictly conforming  
16 to one of those statutes brought against an adult in circuit court or against a minor  
17 in the court assigned to exercise jurisdiction under chs. 48 and 938.

18 **SECTION 9.** 778.25 (1) (a) 1m. of the statutes is created to read:

19 778.25 (1) (a) 1m. Under s. 961.573 (2), 961.574 (2), or 961.575 (2) brought  
20 against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938  
21 or under a local ordinance strictly conforming to s. 961.573 (1) or (2), 961.574 (1) or  
22 (2), or 961.575 (1) or (2) brought against an adult in circuit court or against a minor  
23 in the court assigned to exercise jurisdiction under ch. 48 and 938.

24 **SECTION 10.** 818.02 (7) of the statutes is amended to read:

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ASSEMBLY BILL 62

1 818.02 (7) In an action for a forfeiture under s. 961.573 (2), 961.574 (2) or  
2 961.575 (2), or under a local ordinance strictly conforming to ~~one of those statutes s.~~  
3 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

4 ~~SECTION 11. 961.577 of the statutes is amended to read:~~

5 **961.577 Municipal ordinances.** ~~Nothing in this subchapter precludes a A~~  
6 county, city, village, or town from prohibiting may prohibit conduct that is the same  
7 as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

8 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3218/2  
MGD:kg:pg

2003 BILL

1 AN ACT *to repeal* 60.23 (21) (title); *to renumber and amend* 60.23 (21); *to*  
2 *amend* 66.0107 (1) (a), 66.0107 (1) (b), 349.02 (2) (b) 2., 349.02 (2) (b) 4., 778.25  
3 (1) (a) 1., 818.02 (7) and 961.577; and *to create* 778.25 (1) (a) 1m. of the statutes;  
4 **relating to:** municipal ordinances regarding drug paraphernalia.

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*Analysis by the Legislative Reference Bureau*

Current law prohibits the possession, manufacture, and delivery of drug paraphernalia. If a person 17 years of age or older violates the prohibitions relating to drug paraphernalia, he or she is subject to criminal penalties (a fine or imprisonment or both). If a person under the age of 17 violates the prohibitions relating to drug paraphernalia, he or she is generally subject to suspension or revocation of his or her privilege to operate a motor vehicle for not less than six months nor more than five years and either or both of the following: a forfeiture (civil monetary penalty) of up to \$500 (with the amount depending on drug paraphernalia offenses the person committed in the preceding 12 months) and a requirement that he or she participate in community service work. Current law prohibits and provides more severe criminal penalties for the possession or use of drug paraphernalia used to produce or store methamphetamine.

Current law also allows a city, village, or town to enact and enforce ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia. The ordinances must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally (as opposed to the state statutes governing the possession or use of

**BILL**

methamphetamine-related drug paraphernalia). In addition, the ordinances can apply only to the possession, manufacture, and delivery of drug paraphernalia by a person under the age of 17.

This bill allows a city, village, or town to enact and enforce an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia (other than methamphetamine-related drug paraphernalia) by persons 17 years of age and older. The ordinance must prohibit the same conduct that is prohibited under the state statutes relating to the possession, manufacture, and delivery of drug paraphernalia generally. A prosecutor could then charge a person aged 17 years or older for violating either the ordinance or the state statutes. A person prosecuted for violating an ordinance enacted under this bill would be subject to a forfeiture in an amount established by the ordinance instead of being subject to the criminal penalties provided under the state statutes.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 60.23 (21) (title) of the statutes is repealed.

2           SECTION 2. 60.23 (21) of the statutes is renumbered 66.0107 (1) (bp) and  
3 amended to read:

4           66.0107 (1) (bp) ~~Adopt~~ Enact and enforce an ordinance to prohibit conduct that  
5 is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575  
6 (1) or (2) and provide a forfeiture for violation of the ordinance.

7           SECTION 3. 66.0107 (1) (a) of the statutes is amended to read:

8           66.0107 (1) (a) Prohibit all forms of gambling and fraudulent devices and  
9 practices;

10          SECTION 4. 66.0107 (1) (b) of the statutes is amended to read:

11          66.0107 (1) (b) Seize anything devised solely for gambling or found in actual  
12 use for gambling and destroy the device after a judicial determination that it was  
13 used solely for gambling or found in actual use for gambling; ~~and.~~

14          SECTION 5. 349.02 (2) (b) 2. of the statutes is amended to read:

# BILL

1           349.02 (2) (b) 2. Chapter 961 and local ordinances that strictly conform to s.  
2   961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

**SECTION 6.** 349.02 (2) (b) 4. of the statutes is amended to read:

4            349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25), ~~60.23 (21)~~ or  
5            66.0107 (1) (bm).

6        **SECTION 7.** 778.25 (1) (a) 1. of the statutes is amended to read:

7            778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), or 125.09 (2),  
8            ~~961.573 (2), 961.574 (2) or 961.575 (2)~~ or under a local ordinance strictly conforming  
9            to one of those statutes brought against an adult in circuit court or against a minor  
10          in the court assigned to exercise jurisdiction under chs. 48 and 938.

11 **SECTION 8.** 778.25 (1) (a) 1m. of the statutes is created to read:

778.25 (1) (a) 1m. Under s. 961.573 (2), 961.574 (2), or 961.575 (2) brought against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938 or under a local ordinance strictly conforming to s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under ch. 48 and 938.

17           **SECTION 9.** 818.02 (7) of the statutes is amended to read:

18           818.02 (7) In an action for a forfeiture under s. 961.573 (2), 961.574 (2) or  
19           961.575 (2), or under a local ordinance strictly conforming to one of these statutes s.  
20           961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

21           **SECTION 10.** 961.577 of the statutes is amended to read:

22           **961.577 Municipal ordinances.** Nothing in this subchapter precludes a city,  
23           village, or town from prohibiting conduct that is the same as that prohibited by s.  
24           961.573 (1) or (2), 961.574 (1) or (2) or 961.575 (1) or (2).

25 (END)